

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.35140 of 2014
and
M.P.No.1 of 2014

M.Muthu

... Petitioner

-Vs-

1. The Secretary,
Ministry of Rural Development,
Govt. of India, Krishi Bhawan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.
2. The Principal Secretary,
The Govt. of Tamil Nadu,
Rural Development Dept.,
St. George Fort, Chennai 600 009.
Tamil Nadu.
3. The District Collector,
Collectorate of Thiruvannamalai,
Thiruvannamalai & District.
4. The District Project Officer,
Collectorate of Thiruvannamalai,
Thiruvannamalai & District.
5. The Tahsildhar,
Taluk Office of Chengam,
Chengam Taluk,
Thiruvannamalai District.
6. The Block Development Officer,
Pudhuppalayam Union,
Chengam Taluk,
Thiruvannamalai District.
7. The Village Administrative Officer,
Melmudiyanur Revenue Village,
Eriayur Post, Chengam Taluk,
Thiruvannamalai District.

8.K.Ammavasai

9.A.Vijayan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned order in Moomu (Aa4) / 11894 / 2014 dated 18.11.2014 issued by the 5th Respondent herein and quash the same and to direct the 2 to 4th Respondents herein to direct the 5th Respondent herein to remove the illegal irregular and unlawful constructed Group house in Door No.562 in the Petitioner land under the scheme of Indira Awaas Yojana (IAY) in the years 1991-2001 constructed by the 6th and 7th Respondents herein in favour of the 8th and 9th Respondents herein situated in Survey No.168/82 Patta No.37 Ammapalayam Hamlet Melmudiyapur Revenue Village (No.99) Eraiyur Post Chengam Taluk Thiruvannamalai District. Tamil Nadu on the basis of the petitioner's representation dated 16.12.2014.

For Petitioner : Mr.Dalit Tiger Ponnusamy
For Respondents : Mr.C.V.Ramachandra Murthy
(Senior Panel Counsel) for R-1
: Mr.R.Vijayakumar
Additional Government Pleader
For RR 2 to 7
: Mr.A.Rajesh Kanna for RR 8 and 9

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner makes a grievance that the sixth and seventh respondents, i.e. the Block Development Officer and the Village Administrative Officer, have wrongfully given the benefit to private respondents 8 and 9 under the Indira Awaas Yojana (IAY) scheme for the years 1991-2001, which has facilitated the 8th and 9th respondents in constructing a house on the property which actually belongs to the petitioner.

2.The impugned order which is assailed before us is dated 18.11.2014 by the Tahsildar, which has practically relegated the petitioner to a civil forum for his remedy.

3.We have heard the learned counsel for parties and perused the records.

4.It transpires that the petitioner has filed a civil suit against the private respondents bearing O.S.No.167 of 2012 in the District Munsif Court at Chengam regarding the same property seeking declaration of ryotwari rights. Thus, the question of inter se dispute between the petitioner and the private respondents is liable to be settled in his civil proceedings only. We may also notice that the house is already constructed and occupied by the private respondents. Thus, if the petitioner succeeds in the civil proceedings would the consequences arise on the private respondents.

5.We are, thus, not inclined to entertain the petition and we agree with the view taken by the Tahsildar that the civil suit would determine the rights inter se the petitioner and the private respondents in respect of the land in question. Both the parties should co-operate in early disposal of the suit.

Writ petition is, accordingly, dismissed. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

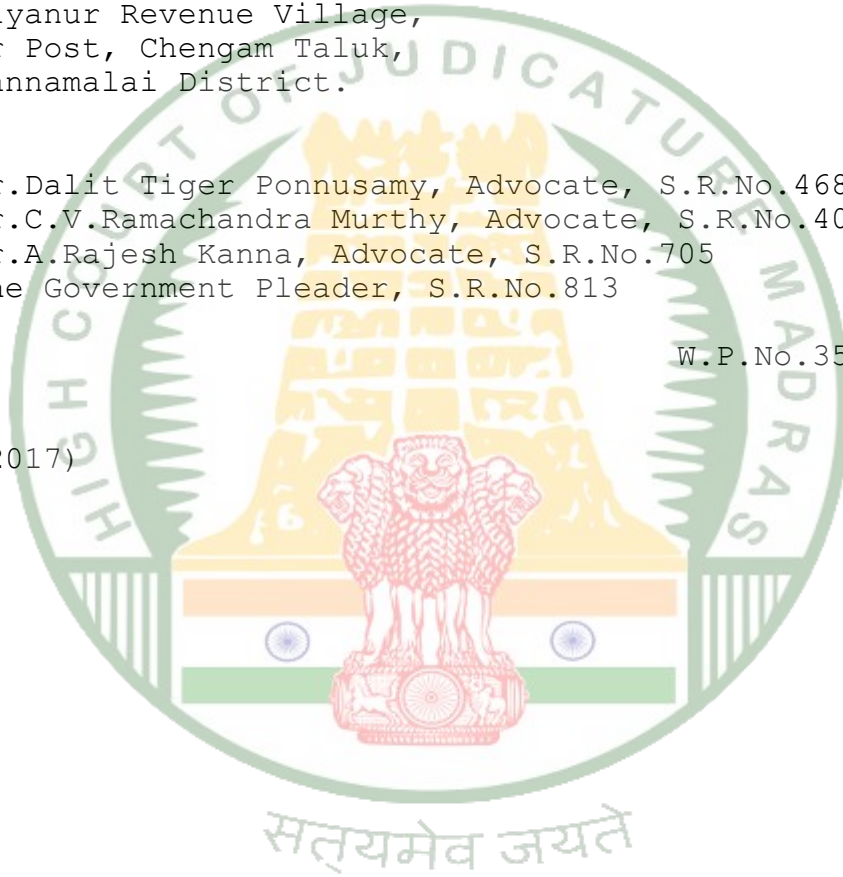
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Melmudiyanur Revenue Village,
Eriayur Post, Chengam Taluk,
Thiruvannamalai District.

+lcc to Mr.Dalit Tiger Ponnusamy, Advocate, S.R.No.468
+lcc to Mr.C.V.Ramachandra Murthy, Advocate, S.R.No.407
+lcc to Mr.A.Rajesh Kanna, Advocate, S.R.No.705
+lcc to the Government Pleader, S.R.No.813

W.P.No.35140 of 2014

KGK (CO)
CA(12/01/2017)



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